

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

Bail Appl..No. 3706 of 2007()

CRIME NO.85/07 OF VALIYATHURA POLICE STATION.

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PETITIONER/3RD ACCUSED

T.SAMSON, AGED 30 YEARS, S/O.THOMAS,
TC 46/252, TERACY HOUSE, VALIYATHURA,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.MAHESH

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 3706 of 2007

Dated this the 22nd day of June, 2007

ORDER

The petitioner is the third accused. He faces allegations, inter alia, under Section 332 I.P.C. That is the only non-bailable offence alleged. That offence has, by amendment of the Code, now been made non-bailable.

2. The crux of the allegations is that a police party on patrol duty was stopped at 1.20 a.m. on 16.3.2007 and the Sub Inspector and others, who were on patrol duty in the jeep, were obstructed from the discharge of their duty. Obscene words were used. One of the police constables was threatened and pulled out of the jeep. On these allegations the F.I. statement was filed on 16.3.2007. Investigation is in progress. The petitioner apprehends imminent arrest.

3. The learned counsel for the petitioner submits that the allegations are false and have been made without any justification. Even if the entire allegations were taken as true, it is evident that it was pure indiscretion without any particular motive. In these

circumstances the petitioner may not be subjected to endure the trauma of arrest and detention, submits the learned counsel.

4. The learned Prosecutor does not seriously oppose the application. He submits that adequate conditions in the interests of a fair, efficient and expeditious investigation may be insisted.

5. I am satisfied in the facts and circumstances revealed that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner.

6. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 29.6.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 30.6.07 and 1.7.2007 and thereafter on all Mondays between 10 a.m. and 12 noon.

Subsequently he shall appear as and when directed by the Investigating Officer in writing to do so.

(d) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 29.6.06 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(b) If the petitioner were arrested prior to his surrender on 29.6.2006 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 29.6.2007.

(R. BASANT)
Judge

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